

REMARKS

With entry of this amendment, claim 15 has been cancelled, and claims 33-35 have been newly added. Claims 1-12 and 14-35 are now pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Specification Amendments

The specification has been amended to correct typographical errors. Of particular note, paragraph [0056] of the specification incorrectly referred to the diameter 302 of the balloon 300 as dilating the wall 322 of the vessel. As clearly illustrated in Fig. 3, it is the diameter 304 of the balloon 300 that dilates the wall 322 of the vessel. As such, the specification has been amended to refer to the diameter 304 as performing the dilation function.

Claim Objections

Claim 5 stands objected to under 37 C.F.R. §1.75(c) as being in improper form due to the multiple dependent claim 4. While §1.75(c) only forbids a multiple dependent claim from serving as a basis for another multiple dependent claim, which claim 5 clearly is not, claim 4 has been amended to be a single dependent claim for other reasons, thereby rendering this issue moot. As such, Applicant respectfully requests withdrawal of the claim 5 objection and reconsideration of this claim.

Claim Rejections-35 U.S.C. §112

Claims 1-12, 17-28, and 30-32 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which application regards as the invention. In particular, the Examiner states:

Claim 1 is unclear if the "energy-conductive hydrophilic polymer" is conducting thermal or electrical energy. If electrical energy, then it is only conductive when partially hydrated, therefore, its tensile strength would be different than when not hydrated. Further to claim 32, in the last line "the hydrophilic polymer" lacks proper antecedent basis.

In response, Applicant has amended these claims to clarify that the hydrophilic polymer is electrically conductive and has a tensile strength of at least 3000 psi when hydrated with an electrolytic solution. Claim 32 has also been amended to refer to claim 30 to provide antecedent basis for the term "hydrophilic polymer."

As such, Applicant respectfully requests withdrawal of the §112 rejections of claims 1-12, 17-28, and 30-32.

Claim Rejections-35 U.S.C. §102

Lesh

Claim 29 stands rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,416,511, issued to Lesh et al. ("Lesh"). Applicant respectfully traverses this rejection, since Lesh does not disclose each and every element required by this claim.

In particular, the Examiner has cited various sections of Lesh for the purpose of showing that this reference discloses an electrode that is located within the lumen an inflatable member proximal to the electrically conductive region of the inflatable member. However, to the extent that Lesh discloses an internal electrode located within the inflatable member 170, Lesh does not disclose this electrode as being located proximal to the

conductive region 160 of the inflatable member 170, e.g., in the manner illustrated in Fig. 5 and described in paragraph [0063] of the specification.

Thus, Applicant submits that claim 29 is not anticipated by Lesh, and as such, respectfully requests withdrawal of the §102 rejection of this claim.

Lombardo

Claims 13 and 14 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,488,653, issued to Lombardo ("Lombardo"). Without acquiescence that Lombardo qualifies as a §102(e) prior art reference, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses this rejection, since Lombardo does not disclose each and every element required by these claims, as amended.

In particular, independent claim 13 has been amended to include the limitations of claim 15, which the Examiner had found to contain allowable subject matter. Thus, Applicant submits that independent claim 13, as well as dependent claim 14, are not anticipated by Lombardo, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Allowable Subject Matter

Applicant objected to claims 15 and 16 as depending from a rejected base claims, but stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant graciously acknowledges that Examiner's indication that claims 15 and 16 recite patentable subject matter, and has accordingly incorporated the limitations of claim 15 into independent claim

13, as stated above, and has further changed the dependency of claim 16 from claim 15 to claim 13.

New Claims

Applicant submits that newly added claims 33-35 find support in the specification, as originally filed, and are patentable over the cited prior art. Claims 33 and 34 find support in paragraph [0066] of the specification, and is patentable over the cited prior art for at least the same reasons as independent claims 1, 13, and 29 from which they depend. Claim 35 finds support in paragraph [0056] of the specification, and is patentable over the cited prior art for at least the same reasons as independent claim 13 from which it depends.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

**VISTA IP LAW GROUP LLP**

Dated: \_\_\_\_\_

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By: \_\_\_\_\_



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